

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 10, 2015

1:30 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Cathy Giessel, Vice Chair
Senator Kevin Meyer
Senator Johnny Ellis

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

SENATE BILL NO. 60

"An Act establishing the Marijuana Control Board; relating to the powers and duties of the Marijuana Control Board; relating to the appointment, removal, and duties of the director of the Marijuana Control Board; relating to the Alcoholic Beverage Control Board; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 53

"An Act relating to advanced practice registered nursing; relating to certified direct-entry midwifery; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 44

"An Act relating to the religious exemptions in the Public Employment Relations Act and the Alaska Railroad Corporation Act."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 60

SHORT TITLE: ESTABLISH MARIJUANA CONTROL BOARD

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/23/15 (S) READ THE FIRST TIME - REFERRALS
02/23/15 (S) L&C, STA, FIN
03/10/15 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 53

SHORT TITLE: ADVANCED PRACTICE REGISTERED NURSES
SPONSOR(s): GIESSEL

02/18/15 (S) READ THE FIRST TIME - REFERRALS
02/18/15 (S) L&C, HSS
03/10/15 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 44

SHORT TITLE: RELIGIOUS UNION EXEMPTION: PERA & AKRR
SPONSOR(s): GIESSEL

02/09/15 (S) READ THE FIRST TIME - REFERRALS
02/09/15 (S) L&C, JUD
03/10/15 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

JOHN BITTNER, Deputy Commissioner
Department of Commerce, Community and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Introduced SB 60 on behalf of the administration.

CYNTHIA FRANKLIN, Director
Alcoholic Beverage Control Board (ABC)
Department of Commerce, Community and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for SB 60.

JANE CONWAY, Staff
Senator Cathy Giessel
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a sectional analysis for SB 53.

SARA CHAMBERS, Operations Manager
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Explained the fiscal note for SB 53.

CARRIE DOYLE, DNP
Alaska Clinical Nurse Specialist Association
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 53.

ARLENE BRISCOE, Legislative Chair
Alaska Nurses Association
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 53.

FORREST WOLFE, Staff
Senator Cathy Giessel
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Answered questions related to SB 44.

GREGORY W. HAMILTON, President
Northwest Religious Liberty Association
Ridgefield, Washington
POSITION STATEMENT: Testified in support of SB 44.

MARK TORGERSON, Administrator and Hearing Officer
Alaska Labor Relations Agency
Anchorage, Alaska
POSITION STATEMENT: Provided information related to SB 44.

DON ETHRIDGE, Lobbyist
Alaska AFL-CIO
Juneau, AK
POSITION STATEMENT: Suggested a small change to SB 44.

CAROL CARMAN, representing herself
Palmer, Alaska
POSITION STATEMENT: Testified in support of SB 44.

DAVID NEES, representing himself
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 44.

DAVID BOYLE, representing himself
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 44.

ACTION NARRATIVE

[1:30:43 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Ellis, Meyer and Chair Costello.

SB 60-ESTABLISH MARIJUANA CONTROL BOARD

[1:31:06 PM](#)

CHAIR COSTELLO announced the consideration of SB 60. "An Act establishing the Marijuana Control Board; relating to the powers and duties of the Marijuana Control Board; relating to the appointment, removal, and duties of the director of the Marijuana Control Board; relating to the Alcoholic Beverage Control Board; and providing for an effective date."

[1:31:50 PM](#)

JOHN BITTNER, Deputy Commissioner, Department of Commerce, Community and Economic Development (DCCED), introduced SB 60 on behalf of the administration. He explained that following the passage of Ballot Measure 2, DCCED explored a variety of regulatory structures for regulating marijuana in Alaska and settled on a hybrid of a stand-alone entity.

SB 60 creates a stand-alone Marijuana Control Board that is housed within the ABC agency in order to take advantage of the existing Alcoholic Beverage Control (ABC) Board executive director and staff. He acknowledged that alcohol is a distinct substance from marijuana and posited that a lot of the issues and difficulties that will arise are likely to be the same. This structure will reduce the costs associated with standing up a stand-alone entity while still achieving the intent of the initiative and meeting the deadlines within the proposition.

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MR. BITTNER provided the following sectional analysis:

Section 1: Amends Title 4 naming the director of the Alcoholic Beverage Control Board as the director of the Marijuana Control Board. It also establishes the process for appointment and removal of the director, requiring a majority vote from both boards.

Section 2: Establishes the five-member Marijuana Control Board in Title 17 with designated seats for public health, rural representation, public safety, and industry members. This section reflects the way DCCED wishes alcohol was regulated, not the current structure. Subsections (d) and (e) provide that in

certain circumstances the director may fulfill the obligation of a public safety or public health member. That person would then be replaced with a general public member.

Section 3: Establishes the terms of office for board members and the chair, sets out requirements for board meetings, and provides for board members' per diem. It also outlines the powers and duties of the board to propose and adopt regulations, establish qualifications for licensure, review applications for licensure, hear appeals from the actions of the director, reduce the area of a licensed premise, and adopt regulations according to AS 44.63. It also establishes the board's enforcement powers as mirroring those of the Alcoholic Beverage Control Board outlined in AS 04.06.110. And it provides for appointment and removal of the director and establishes the duties of the director.

Section 4: Defines the board in AS 17.38.900(1) to mean the Marijuana Control Board created by this Act to reflect the changes made in Ballot Measure 2.

Section 5: Defines the term "director" as the director of the Alcoholic Beverage Control Board and the Marijuana Control Board. It also defines "registration" to mean registration or licensure as determined by regulation

Section 6: Amends the duties of the Department of Commerce, Community, and Economic Development to include providing clerical and administrative support for the Marijuana Control Board, similar to the way DCCED provides support to the ABC Board.

Section 7: Amends the uncodified law for initial appointment of board members.

Section 8: Provides for the transition of regulations such that if the Alcoholic Beverage Control Board adopts any regulations before the Marijuana Control Board is created, those regulations can be implemented, enforced, amended or repealed by the Marijuana Control Board, and provides that regulations adopted by the board in any transition period take effect after the effective date of the Act.

Section 9: Provides for an immediate effective date.

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SENATOR MEYER asked how the makeup of this new board compares to the makeup of the ABC Board.

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CYNTHIA FRANKLIN, Director, Alcoholic Beverage Control (ABC) Board, Department of Commerce, Community and Economic Development (DCCED), explained that the ABC Board is a five-member volunteer board; two seats are designated for industry, two seats are public, and one seat is designated as rural. The proposed Marijuana Control Board also consists of five members; not more than two members may be involved in the marijuana industry, one member shall be from public safety, one member shall be from public health, and one member shall be from a rural area. She noted that the stakeholder group that has been working for several years on revisions to Title 4 recommended changing the composition of the ABC Board to include public safety and public health designations similar to the new marijuana board. That group also recommended that the background of the agency director be taken into account when determining the designated seats. For example, if the agency is led by a director who has a background in the alcohol industry, that would reduce the industry seat on the board by one.

SENATOR MEYER asked if there were other options to bring down the cost of this new board.

MS. FRANKLIN answered that DCCED looked at options such as adding additional members to the ABC Board, but that would upset the balance between the public and industry. To maintain the balance while not giving industry a majority vote it would be necessary to add two public and two industry members. Based on the current travel costs for the five-member ABC Board, extending the membership to nine members would yield little savings and increase the difficulty of getting nine members together five times a year for required meetings. The balance that was struck was to keep the agency staffing the same to serve the two boards.

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SENATOR MEYER asked how SB 30 the criminal bill, SB 62 the regulatory civil law bill, and SB 60 that creates the Marijuana Control Board interrelate.

MS. FRANKLIN opined that the regulatory bill doesn't have to pass in order for this bill to have an effect. SB 60 is stand-alone legislation for fleshing out the regulatory authority contained in AS 17.38. If SB 60 or similar legislation doesn't pass, the ABC Board will undertake the responsibility of regulating marijuana. However, AS 17.38 only gives the agency the authority to control licensees, not unlicensed marijuana businesses. She said that's a problem.

[1:49:41 PM](#)

SENATOR MEYER asked if the silver lining of legalizing marijuana is that spice and bath salts will be used less.

MS. FRANKLIN opined that the legislation on spice and bath salts made a big difference in terms of retail sales, and that the demand for other types of "legal" highs will fall as marijuana licenses are issued.

SENATOR MEYER asked if spice could still be sold in a licensed marijuana establishment.

MS. FRANKLIN stated that the intention is to have marijuana tracking software similar to what's used in Colorado and Washington so the plant can be tracked from cultivation to the retail outlet. This is to ensure that the marijuana was grown by a licensed grower, processed by a licensed processor, tested by a licensed testing facility, and sold by a licensed retailer.

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CHAIR COSTELLO asked if a person with industry experience leaves the position of director, would preference be given to an applicant whose background fulfills the missing designation.

MS. FRANKLIN answered that is her understanding.

CHAIR COSTELLO expressed concern that this approach might be adopted by other boards and commissions. She also asked why some of the restrictions on board members extends to family members.

MS. FRANKLIN explained that the language is in Title 4 with regard to the industry designation. It's intended to avoid the potential circumstance of a public member essentially acting on behalf of the industry because he/she has such a vested interest.

CHAIR COSTELLO asked if the intention is to set up a board that registers participants in the marijuana industry or licenses

participants like is done with alcohol, because the bill uses the terms interchangeably.

MS. FRANKLIN replied the intention is to use the terms "license" and "licensure." The word "registration" appears in AS 17.38, which is the reason for the definition that equates the two terms.

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CHAIR COSTELLO asked about the lack of a sunset provision.

MS. FRANKLIN responded that an amendment is being drafted to add a sunset; the omission was an oversight.

CHAIR COSTELLO asked her to speak to the fiscal note.

MS. FRANKLIN explained that the costs of the separate board are the per diem and travel for the additional five board members. She said the fiscal note reflects higher costs than for the ABC Board in 2014 because the new board might need to meet more often the first year to work on regulations. The staffing costs reflect six additional agency staff over the FY2015 supplemental and the FY2016 budget cycles. The fiscal note also reflects startup costs, the majority of which was \$500,000 for software in FY2016. There is also some cost associated with moving the current staff to accommodate the additional people, which is included in the FY2015 supplemental budget.

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SENATOR GIESSEL joined the committee.

[2:00:50 PM](#)

At ease.

[2:02:29 PM](#)

CHAIR COSTELLO reconvened the meeting.

MS. FRANKLIN delivered a PowerPoint titled "State Regulation of Recreational Marijuana - Structures of Government Agencies."

She explained that Colorado does not have a regulatory board structure. Marijuana, alcohol, and gaming are overseen by state employees in three divisions in the Colorado Department of Revenue. The Marijuana Enforcement Division has four offices statewide with 55 full-time employees, many of which are criminal investigators and compliance investigators. There are also 13 licensing employees and a few administrative employees.

She noted that any commercial establishment is required to hold both a state and local license to sell marijuana.

MS. FRANKLIN reviewed data for the Marijuana Licensing Division for the City and County of Denver, noting that the population is similar to that of the state of Alaska. The division initially requested 16 new employees in the 2014 budget and then 21.5 more in the supplemental budget to cover the additional work created by licensing. The revenue from the commercialization of marijuana more than covers the cost of these employees.

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She highlighted that Washington State uses the Washington Liquor Control Board to issue and enforce marijuana licenses, which is a more similar structure to Alaska's. The board consists of three full-time state employees who meet three times a week. There is a director and 297 employees statewide. She noted that some of the employees were hired short-term with the expectation that they wouldn't be needed later on.

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MS. FRANKLIN noted that Oregon legalized recreational marijuana at the same time as Alaska and the Oregon Liquor Control Commission is the regulatory authority. For alcohol, there are five citizen commissioners appointed by the governor who meet monthly for 1-2 days. One commissioner is a representative of the alcohol/food industry. The commission has an alcohol director with 211 employees to oversee about 15,000 liquor licenses. A marijuana director was hired and 1 marijuana industry representative was added to the citizen commission. At this time it isn't clear how many full-time employees will be needed for the regulation and licensure of marijuana statewide. She offered to follow-up with the data as it becomes available. She highlighted that unlike Alaska, Oregon has no local option; the rules the state adopts for marijuana will apply for the entire state.

MS. FRANKLIN reviewed the current data for the Alcoholic Beverage Control (ABC) Board for comparison purposes. The five-member volunteer board meets five times per year in each of the jurisdictions. The current employees include a director, an enforcement supervisor, 4 enforcement officers - 2 in Anchorage and 1 each in Fairbanks and Juneau, a licensing supervisor, 2 licensing specialists, 1 administrative assistant, and 1 clerk.

She noted that the FY2015 supplemental budget request is not included in the fiscal note, but would add 1 administrative

officer and 1 additional business registration examiner. The FY2016 budget request is for 1 additional business registration examiner and 3 additional enforcement officers for a total of 17 employees. She said the board and staff has done quite a bit of work on marijuana since the initiative passed and more staff will likely be needed going forward if the board regulates both alcohol and marijuana long term.

CHAIR COSTELLO noted that the revised fiscal note includes the supplemental request.

She stated that SB 60 would be held in committee for further consideration.

SB 53-ADVANCED PRACTICE REGISTERED NURSES

[2:14:22 PM](#)

CHAIR COSTELLO announced the consideration of SB 53. "An Act relating to advanced practice registered nursing; relating to certified direct entry midwifery; and providing for an effective date." She stated her intention to hear the introduction, take public testimony, and hold the bill for further consideration.

SENATOR CATHY GIESSEL, sponsor, SB 53, explained that this legislation updates the statutory title of "Advanced Nurse Practitioner" to "Advanced Practice Registered Nurse" (APRN). This change would bring Alaska statutes into alignment with a national movement to standardize the titles for this level of primary care provider.

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JANE CONWAY, Staff, Senator Cathy Giessel, paraphrased the following sectional analysis for SB 53:

Section 1 amends AS 08.02.010 and adds APRNs to the list of professions that are required to use their professional titles on stationery, signs, or other advertising.

Sections 2-4 are conforming amendments that change the statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

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Section 5 amends AS 08.68.100(a) by requiring that the Board of Nursing regulations pertaining to APRNs

include the practices of APRNs who practice as certified registered nurse anesthetists, certified clinical nurse specialists, certified nurse practitioners, or certified nurse midwives and makes conforming amendments.

Section 6 amends AS 08.68.160 by adding advanced practice registered nursing to the licenses issued under AS 08.68 and changes the term "professional nursing" to "registered nursing."

Section 7 adds a new subsection to AS 08.68.170 that sets out the qualifications for an advanced practice registered nursing license.

Section 8 repeals and reenacts AS 08.68.190 concerning license examinations and adds an advanced practice registered nursing examination to the licensing examinations conducted under AS 08.68.

Section 9 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to advance practice registered nurse."

Section 10 amends AS 08.68 by adding a paragraph requiring the Department of Commerce, community and Economic Development to set fees related to advanced practice registered nursing and deletes "vocational" nursing.

Section 11 amends AS 08.68.230(a) by removing "licensed professional nurse" from the titles authorized for persons licensed under AS 08.68.

Section 12 amends AS 08.68.230 by adding new subsections authorizing the use of the titles "advanced practice registered nurse", "certified registered nurse anesthetist", "certified clinical nurse specialist", "certified nurse practitioner", or "certified nurse midwife" and associated initials.

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Section 13 amends AS 08.65.265 to add advanced practice registered nurses to the persons authorized to supervise a practical nurse.

Section 14 adds impersonation of an advanced practice registered nurse as a grounds for denial, suspension, or revocation of a nursing license.

Section 15 requires institutions that are applying for accreditation of advanced practice registered nurse training to provide certain information to the Board of Nursing.

Section 16 adds impersonation of an advanced practice registered nurse as a grounds for denial, suspension, or revocation of a certificate to practice as a nurse aide.

Sections 17-19 add advanced practice registered nursing to the licenses issued by the board, and change the term "professional nursing" to "registered nursing" in AS 08.68.360 - 08.68.390, which declare the unlicensed practice of nursing a public nuisance and provide for injunctive relief.

Section 20 adds advanced practice registered nurses to the licensees who may delegate certain nursing duties.

Section 21 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and makes a related technical change.

Section 22 defines the practice of advanced practice registered nursing.

Section 23-25 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and make other related technical amendments.

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Section 26 adds advanced practice registered nurses to persons who are considered justified in conduct that would otherwise be considered the use of force when delivering emergency medical care.

Sections 27-28 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 29 adds advanced practice registered nurses to those licensees immune from civil liability for an act or omission in delivering patient care services while escorting an injured or sick person whose life is in danger in a conveyance that is not an ambulance.

Section 30 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 31 adds advanced practice registered nurses to those practitioners authorized to draw blood for tests of persons charged with sex offenses.

Sections 32-33 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurses."

Section 34 clarifies that nurse-midwives and direct entry midwives are certified.

Sections 35-38 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and make other related technical amendments.

Section 39 changes the term "registered professional nursing" to "registered nursing."

Section 40 clarifies that nurse-midwives must be certified to be a provider under AS 21.87.

Section 41 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Sections 42-43 clarifies that nurse-midwives are certified and makes other technical amendments.

Sections 44-46 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 47 adds advanced practice registered nurses to the definition of health care provider in statutory provisions concerning prisons.

Section 48 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 49 adds advanced practice registered nurses to licensees with particular training who may assess a child with respect to the waiver under a statutory provision concerning home and community based medical assistance.

Section 50 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and makes a related technical change.

Section 51 adds advanced practice registered nurses to practitioners who are not liable for providing information to the Department of Health and Social Services for the purpose of providing services to certain children and makes a related technical change.

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Sections 52-54 add advanced practice registered nurses to practitioners who may under statutory provisions concerning mental health commitment, determine if a person may be administered psychotropic medication without the person's consent, and add advanced practice registered nurses with particular training to the definition of mental health professionals for those statutory provisions.

Section 55 adds advanced practice registered nurses to practitioners who may review a health care plan for an assisted living home resident.

Sections 56-59 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 60 repeals specific statutes.

Section 61 sets July 1, 2015 as the effective date for the bill.

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CHAIR COSTELLO asked if this legislation will require currently practicing nurses to get additional certification.

SENATOR GIESSEL answered no.

CHAIR COSTELLO asked if she'd heard any opposition to the bill.

SENATOR GIESSEL answered no.

[2:25:09 PM](#)

CHAIR COSTELLO asked Ms. Chambers to speak to the fiscal note.

SARA CHAMBERS, Operations Manager, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), explained that the fiscal note anticipates the statutory and regulation changes the six boards within the division will have to make to conform to the APRN Consensus Model. The fiscal note is a conservative estimate based on the cost of an average regulations project for a moderately sized board, which is \$2,500. The division would like to work with the board in articulating these changes to the other boards that are affected and encourage them to include changes in any existing regulation projects to reduce the cost to licensees.

CHAIR COSTELLO asked if this will affect any fees the boards collect from the licensees.

MS. CHAMBERS answered no.

[2:27:26 PM](#)

At ease

[2:28:50 PM](#)

CARRIE DOYLE, DNP, Clinical Nurse Specialist representing the Alaska Clinical Nurse Specialist Association, Anchorage, Alaska, testified in support of SB 53. She stated that nationwide there are four types of advanced practice registered nurses. In Alaska, three of the categories operate under the title of advanced nurse practitioner while nurse anesthetists are in a separate category of clinician in Alaska statute. As previously mentioned, the APRN Consensus Model is a nationwide movement to include all four specialties under the title of advance practice registered nurse. It seeks uniformity in APRN licensure, accreditation, certification, and education. This will expedite insurance reimbursement by eliminating confusion about service providers and will allow APRNs from other states to more easily obtain licensure in Alaska. SB 53 does not change the scope of

practice for ANPs and nurse anesthetists; they will just have the new name of advanced practice registered nurse (APRN).

[2:31:41 PM](#)

CHAIR COSTELLO opened public testimony.

[2:31:52 PM](#)

ARLENE BRISCOE, Legislative Chair, Alaska Nurses Association, Anchorage, Alaska stated support for SB 53.

[2:32:44 PM](#)

CHAIR COSTELLO, discerning there were no other testifiers, closed public testimony and held SB 53 in committee for further consideration.

SB 44-RELIGIOUS UNION EXEMPTION: PERA & AKRR

[2:33:35 PM](#)

CHAIR COSTELLO announced the consideration of SB 44. "An Act relating to the religious exemptions in the Public Employment Relations Act and the Alaska Railroad Corporation Act."

SENATOR CATHY GIESSEL, sponsor of SB 44, explained that the legislation changes a provision in [AS 23.40.225] that provides a religious exemption for a public employee in a bargaining unit from paying union dues. As currently written, the employee pays the equivalent of the union dues and the receiving union contributes the money to a charity of its choice. SB 44 provides that the union shall contribute the equivalent of the dues to a charity of the employee's choice. She noted that this would also cover the Alaska Railroad union.

[2:35:03 PM](#)

FORREST WOLFE, Staff, Senator Cathy Giessel, offered to answer questions related to SB 44.

CHAIR COSTELLO asked for some background on the introduction of the legislation.

MR. WOLFE said he received a letter today from a person who said she was a member of the NEA for 20 years and her dues were given to charities she didn't support. He imagined that there were other examples.

CHAIR COSTELLO asked if he would categorize this legislation as a matter of freedom of speech.

MR. WOLFE replied it's about freedom of speech and freedom of religion.

[2:37:36 PM](#)

GREGORY HAMILTON, President, Northwest Religious Liberty Association (NRLA), testified in support of SB 44. He said NRLA represents the Seventh Day Adventist Church and any person or institution of faith in a five state region to advance the separation of church and state and the free exercise of religion. NRLA also mediates and litigates Title VII religious discrimination in the workplace as well as labor union exemption requests.

MR. HAMILTON opined that the bill makes just a modest change because the way contract bargaining law has worked is that the union can have the ultimate say about what charity the money is donated to, but generally there is mutual agreement. If someone wants to give outright to a religious organization and it's objectionable or doesn't meet the neutral criteria, then it's turned down.

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MARK TORGERSON, Administrator and Hearing Examiner, Alaska Labor Relations Agency ("Agency") Anchorage, Alaska, stated that he was asked to discuss the framework of AS 23.40.225. He explained that section 225 provides that an employee who wants to file a request for non-association based on bonafide religious convictions must file a claim with the Agency along with proper proof of their religious conviction. The Agency then grants the employee an exemption and the receiving union contributes an equivalent amount of dues, fees, and assessments to a charity of the union's choice.

CHAIR COSTELLO opened public testimony.

[2:44:37 PM](#)

DON ETHRIDGE, Alaska AFL-CIO, Juneau, AK, stated that the union would like one small change in Section 2 to clarify that the employee cannot realize personal gain from the funds that are donated to a charity of the employee's choice.

[2:46:03 PM](#)

CAROL CARMAN, representing herself, Palmer, Alaska, testified in support of SB 44. She reported that when she was working it was very difficult to get a religious exemption and she really didn't have a choice about where her dues equivalent would be

donated. The National Education Association (NEA) allowed her to select one of the three organizations that the union chose.

SENATOR MEYER asked the names of the three organizations she could select from.

MS. CARMAN recalled Beans Cafe and Salvation Army, but not the third.

[2:49:04 PM](#)

DAVID NEES, representing himself, Anchorage, Alaska, testified in support of SB 44. He stated that the employee should be able to decide where his/her money goes. He cautioned that the language on page 1, lines 10-13, regarding religious convictions based on tenets may be unconstitutional.

[2:51:25 PM](#)

DAVID BOYLE, representing himself, Anchorage, Alaska, testified in support of SB 44. He said this bill emphasizes the constitutional rights of freedom of speech, freedom of association, and freedom of religion. It also prohibits an individual's dues from going to support non-profits the individual may not agree with philosophically.

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CHAIR COSTELLO closed public testimony and held SB 44 in committee for further consideration.

[2:53:20 PM](#)

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 2:53 p.m.